

SIM & DEPAOLA, LLP

Attorneys-at-Law
42-40 Bell Boulevard – Suite 405
Bayside, New York 11361
Tel: (718) 281-0400
Fax: (718) 631-2700

September 13, 2021

VIA ECF

Hon. Ronnie Abrams, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Bassey B. Ndemenoh v. City of New York, et al.*
Docket No. 20-cv-4492 (RA)

Honorable Judge Abrams,

The Plaintiff, Mr. Bassey B. Ndemenoh, by the undersigned counsel, respectfully submits this letter motion requesting the issuance of an Order (1) deeming Plaintiff's Second Amended Complaint (Dkt. No. 43), originally filed on September 7, 2021 (Dkt. No. 42), timely submitted with leave of the Court *nunc pro tunc* or (2) directing the Clerk of the Court to accept Plaintiff's Second Amended Complaint (Dkt. No. 43) for electronic filing.

This application for Court intervention has been made necessary unavoidable due to the Clerk of the Court informing the undersigned that the Second Amended Complaint (Dkt. No. 43) cannot be accepted for electronic filing without additional leave of the Court, despite the fact that it was filed in lieu of a response in opposition to defendants' Motion to Dismiss the Amended Complaint and was timely filed pursuant to this Court's Order, dated and duly entered August 30, 2021 (Dkt. No. 41).

Wherefore, it is respectfully requested that this Court issue an Order (1) deeming the Second Amended Complaint (Dkt. No. 43), originally filed on September 7, 2021, and re-filed on September 13, 2021, timely submitted with leave of the Court *nunc pro tunc*, or (2) directing the Clerk of the Court to accept said Second Amended Complaint for electronic filing.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Samuel C. DePaola
Samuel C. DePaola, Esq.
Attorney for Mr. Ndemenoh
sdepaola@simdepaola.com